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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,706	08/09/1999	JOHN MCGARRY	C99-018	8405

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EXAMINER

STONE, JONATHAN D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/13/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/370,706	Applicant(s) MCGARRY, JOHN	
	Examiner Jonathan D Stone	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment B filed on 6/4/03.
2. Claims 1-8 are pending in the case. Claims 1-3 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piersol, Kurt W.

("Object Oriented Spreadsheets: The Analytic Spreadsheet Package," OOPSLA '86

Proceedings, pg 385-390: Sep., 1986; herein Piersol) in view of Levoy, Marc ("Spreadsheets for Images," Computer Graphics Proceedings, Annual Conference Series pg 139-146: 1994; herein Levoy) and in further view of Smith (USPN 6222531 – filing date 12/10/1998).

4. **Regarding independent claim 1**, Piersol discloses a spreadsheet including cells in which objects are instantiated (pg 385, col 2, par 2; compare with "An electronic...spreadsheet cells,"). These objects are inherently shown to provide internal storage by containing image data (pg 386, Fig 1 and pg 387, col 1, par 4; compare with "and adapted to...storage"). Piersol also discloses the objects as providing member functions that perform various functions on the object (pg 387, col 1, par 4; compare with "and member...value;"). Although Piersol does not explicitly teach an object instantiated within a cell, Piersol's teaching of an object instantiated as a cell achieves

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the same ends as the instant invention, providing both storage and a member function within a cell. In further support, it was known and typical in the art at the time of the invention for objects to be instantiated within other objects for complex processing to be achieved. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention that Piersol's disclosure would have enabled the instant invention as claimed.

Piersol does not explicitly teach a single method object. However, Piersol teaches cells that contain information and equations for which it would have been obvious to implement via single method objects for one of ordinary skill in the art at the time of the invention (Fig. 2 and 3). Implementing objects having a varying number of methods was known and typical in the art at the time of the invention. Implementing an object, then, that was to serve one main purpose could have obviously been implemented using a single method containing a single member function to serve that purpose. Additionally, Piersol teaches a flexible and extensible analytic spreadsheet package (ASP) in which any new data types can be implemented immediately and to which it is easy enough for non-programmers to add new functions (pg 385, col 2, par 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to take advantage of the disclosed ASP to implement a single method object as necessary. This would have saved space by not including useless code within objects.

Piersol does not explicitly teach returning a single value. However, Piersol teaches cells containing single values and equations representing single values for which it would have been obvious to produce via single method objects (Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement functions having a single return value, possibly added as an extensible part of the ASP as taught above. This would have

served to further tailor a spreadsheet to a user's needs by specifying the functions of an object and their return values, as well as performing basic arithmetic and logic functions on data that is traditionally included with a spreadsheet.

Piersol does not explicitly teach a data display buffer displaying its contents under a transparent grid. However, Levoy teaches a data display buffer that displays the data content of an object, the content being displayed in the buffer when the cell corresponding to the object is selected (pg 6, Fig 4 and pg 1, col 1, para 3; compare with "*a data...spreadsheet cell.*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Levoy with the invention disclosed by Piersol. Such a combination would have augmented Piersol's intention to create a spreadsheet that handles a very diverse range of data types and a broad range of operations by providing better support for graphical based data and operations, including enabling a user to see a displayed image with different viewing options, such as creating a separate display buffer containing a larger version of said image.

Piersol and Levoy do not explicitly disclose the data contents as being displayed under a transparent spreadsheet grid. However, Smith does teach a semi-transparent grid in which both the grid and underlying data are visible (col 8, ln 1-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention disclosed by Piersol and Levoy to include the teaching of Smith. Such a modification would have given the spreadsheet a more user-friendly display by allowing a user to view both the spreadsheet data and the displayed contents of a display buffer, which may be blocking the view of the other data, at the same time. Providing such semi-transparency would have allowed a user to reference

underlying data and the display buffer contents at the same time, which is especially important in image processing.

5. **Regarding independent claim 2, Piersol** discloses a spreadsheet including cells in which objects are instantiated (pg 385, col 2, par 2; compare with "*An electronic...spreadsheet cells,* "). These objects are inherently shown to provide internal storage by containing image data (pg 386, Fig 1 and pg 387, col 1, par 4; compare with "*and adapted to...storage*"). Piersol also discloses the objects as providing member functions that perform various functions on the object (pg 387, col 1, par 4; compare with "*and member...value;*"). Although Piersol does not explicitly teach an object instantiated within a cell, Piersol's teaching of an object instantiated as a cell achieves the same ends as the instant invention, providing both storage and a member function within a cell. In further support, it was known and typical in the art at the time of the invention for objects to be instantiated within other objects for complex processing to be achieved. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention that Piersol's disclosure would have enabled the instant invention as claimed.

Piersol does not explicitly teach a single method object. However, Piersol teaches cells that contain information and equations for which it would have been obvious to implement via single method objects for one of ordinary skill in the art at the time of the invention (Fig. 2 and 3). Implementing objects having a varying number of methods was known and typical in the art at the time of the invention. Implementing an object, then, that was to serve one main purpose could have obviously been implemented using a single method containing a single member function to serve that purpose. Additionally, Piersol teaches a flexible and extensible analytic

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spreadsheet package (ASP) in which any new data types can be implemented immediately and to which it is easy enough for non-programmers to add new functions (pg 385, col 2, par 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to take advantage of the disclosed ASP to implement a single method object as necessary. This would have saved space by not including useless code within objects.

Piersol does not explicitly teach returning a single value. However, Piersol teaches cells containing single values and equations representing single values for which it would have been obvious to produce via single method objects (Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement functions having a single return value, possibly added as an extensible part of the ASP as taught above. This would have served to further tailor a spreadsheet to a user's needs by specifying the functions of an object and their return values, as well as performing basic arithmetic and logic functions on data that is traditionally included with a spreadsheet.

Piersol does not explicitly teach displaying a large data set corresponding to a selected cell of a spreadsheet. However, Levoy teaches displaying an image stored in an object when the cell corresponding to the object is selected (pg 6, Fig 4 and pg 1, col 1, para 3; compare with "*displaying...of the spreadsheet;*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Levoy with the invention disclosed by Piersol. Such a combination would have augmented Piersol's intention to create a spreadsheet that handles a very diverse range of data types and a broad range of operations by providing better support for graphical based data and operations, including enabling a user to see a

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displayed image with different viewing options, such as creating a separate display buffer containing a larger version of said image.

Piersol and Levoy do not explicitly disclose the data contents as being displayed under a transparent spreadsheet grid. However, Smith does teach a semi-transparent grid in which both the grid and underlying data are visible (col 8, ln 1-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention disclosed by Piersol and Levoy to include the teaching of Smith. Such a modification would have given the spreadsheet a more user-friendly display by allowing a user to view both the spreadsheet data and the displayed contents of a display buffer, which may be blocking the view of the other data, at the same time. Providing such semi-transparency would have allowed a user to reference underlying data and the display buffer contents at the same time, which is especially important in image processing.

6. **Regarding independent claim 3**, Piersol discloses a spreadsheet including cells in which objects are instantiated (pg 385, col 2, par 2; compare with "*An electronic...spreadsheet cells*,"). These objects are inherently shown to provide internal storage by containing image data (pg 386, Fig 1 and pg 387, col 1, par 4; compare with "*and adapted to...storage*"). Piersol also discloses the objects as providing member functions that perform various functions on the object (pg 387, col 1, par 4; compare with "*and member...value*;"). Although Piersol does not explicitly teach an object instantiated within a cell, Piersol's teaching of an object instantiated as a cell achieves the same ends as the instant invention, providing both storage and a member function within a cell. In further support, it was known and typical in the art at the time of the invention for

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objects to be instantiated within other objects for complex processing to be achieved. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention that Piersol's disclosure would have enabled the instant invention as claimed.

Piersol does not explicitly teach a single method object. However, Piersol teaches cells that contain information and equations for which it would have been obvious to implement via single method objects for one of ordinary skill in the art at the time of the invention (Fig. 2 and 3). Implementing objects having a varying number of methods was known and typical in the art at the time of the invention. Implementing an object, then, that was to serve one main purpose could have obviously been implemented using a single method containing a single member function to serve that purpose. Additionally, Piersol teaches a flexible and extensible analytic spreadsheet package (ASP) in which any new data types can be implemented immediately and to which it is easy enough for non-programmers to add new functions (pg 385, col 2, par 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to take advantage of the disclosed ASP to implement a single method object as necessary. This would have saved space by not including useless code within objects.

Piersol does not explicitly teach returning a single value. However, Piersol teaches cells containing single values and equations representing single values for which it would have been obvious to produce via single method objects (Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement functions having a single return value, possibly added as an extensible part of the ASP as taught above. This would have served to further tailor a spreadsheet to a user's needs by specifying the functions of an object

and their return values, as well as performing basic arithmetic and logic functions on data that is traditionally included with a spreadsheet.

Piersol does not explicitly teach displaying a large data set corresponding to a selected cell of a spreadsheet. However, Levoy teaches displaying an image stored in an object when the cell corresponding to the object is selected (pg 6, Fig 4 and pg 1, col 1, para 3; compare with "*displaying...of the spreadsheet;*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Levoy with the invention disclosed by Piersol. Such a combination would have augmented Piersol's intention to create a spreadsheet that handles a very diverse range of data types and a broad range of operations by providing better support for graphical based data and operations, including enabling a user to see a displayed image with different viewing options, such as creating a separate display buffer containing a larger version of said image.

Piersol and Levoy do not explicitly disclose an image in superimposed relationship with a partially transparent spreadsheet. However, Smith does teach a semi-transparent grid in which both the grid and underlying data are visible (col 8, ln 1-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention disclosed by Piersol and Levoy to include the teaching of Smith. Such a modification would have given the spreadsheet a more user-friendly display by allowing a user to view both the spreadsheet data and the displayed contents of a display buffer, which may be blocking the view of the other data, at the same time. Providing such semi-transparency would have allowed a user to reference underlying data and the display buffer contents at the same time, which is especially important in image processing.

7. **Regarding dependent claim 4**, Smith teaches controls that change between states of opaqueness according to a user's selection (e.g. completely opaque to completely transparent; col 2, ln 15-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined invention disclosed by Piersol and Levoy to include the teaching of Smith. Such a modification would have given the spreadsheet a more user-friendly display by allowing a user to view both the spreadsheet data and the displayed contents of a display buffer, which may be blocking the view of the other data, at the same time. Providing adjustable transparency would have allowed a user to change their preference for how the spreadsheet and any superimposed graphic is displayed.

8. **Regarding dependent claim 5**, Smith does not explicitly disclose the use of a game controller. However, Smith teaches the use of mouses, touch pads, trackballs, remote controls, and point sticks as input devices, although the invention is not limited to any pointing device (col 4, ln 41-50). Game controllers were known to provide input through x-y axis and various complementary buttons. Such input is obtainable via a simple mouse or mouse-keyboard combination that was well known in the art. It was known and typical at the time of the invention to include game controllers among common input devices. Therefore, Smith's teaching of various input devices obviates such an input device and it would have been obvious to one of ordinary skill in the art at the time of the invention to use a game controller as an input device with the invention disclosed by Piersol, Levoy, and Smith. This would have given the invention an additional input option, giving users the possibility to choose their input method.

9. **Regarding dependent claim 6**, Smith teaches the use of keyboard and mice as input (col 4, ln 41-50).

10. **Regarding dependent claim 7**, Smith teaches the superposition of an object image with a display of a graphical analysis of an object (Fig 4).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Piersol in view of Levoy and Smith and in further view of Mastering Excel 97 4th ed. (Chester and Alden, © 1997; herein Excel).

11. **Regarding dependent claim 8**, the previously cited art does not explicitly disclose creating a histogram analysis. However, it was known and typical in the art at the time of the invention to include different methods of graphical analysis on spreadsheets, such as histograms, pie charts, scatter plots, etc. Additionally, Excel teaches (pp. 351-354) a chart wizard in which data is selected to automatically generate a histogram, or other equivalent graphical analysis. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include histograms in the invention taught by Piersol, Levoy, and Smith. Such a modification would have served to provide the user with a better analysis of the data in the spreadsheet and access to a graphical analysis of the data.

Response to Arguments

12. Applicant's arguments filed 6/4/03 in Amendment B have been fully considered but are not persuasive.

13. Regarding claim 1, Applicant argues the differences between Piersol's invention and the instant invention as claimed. The Office directs the Applicant to the rejection of claim 1 in the current office action, wherein the similarities between Piersol's invention and the instant invention are presented so as to obviate the instant invention as claimed. Applicant argues the difference between an image being stored in an object instantiated in a cell and an image stored in an instantiated cell (pg 5-6). The Office contends that in the case of the two specified inventions, one would obviate the other since both result in a cell holding image data and a single member function (as argued later). Applicant argues that Piersol does not provide association of an object, internal storage, and a single method. However, Piersol, as on pg 387, does teach the association of the cells (which are objects) with internal storage (data is stored in the cells) and single methods (such as single equation functions, single transformations, or a display function). Although Piersol does state performing any of several transformations on the image, this does not explicitly preclude Piersol from performing a single transformation.

Applicant argues, in relation to a user extending Piersol's spreadsheet by creating a single member object having a single member function, that Piersol does not teach how to implement a single method object and that it may not be possible to create one (pg 7-8). Piersol does not explicitly teach the impossibility of creating a single method object with a single member function, and therefore does not preclude such a modification. Furthermore, Piersol teaches cells that contain information and equations for which it would have been obvious to implement via

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single method objects for one of ordinary skill in the art at the time of the invention (Fig. 2 and 3). Implementing objects having a varying number of methods was known and typical in the art at the time of the invention. Implementing an object, then, that was to serve one main purpose would have obviously been implemented using a single method containing a single member function to serve that purpose. This would have saved space by not including useless code within objects.

Applicant argues Piersol does not teach enough to enable Applicant's invention and undue experimentation would be required to reach Applicant's application. However, the Office maintains that when the teachings of Piersol are combined with the knowledge of one of ordinary skill in the art at the time of the invention (not solely relying on Piersol's teachings) the instant invention may have been reached by a proper implementation of Piersol without undue experimentation. Refer to the arguments above and the rejection of claim 1 for further motivation.

Applicant argues Piersol does not teach or suggest single method objects including the return of a single value (pg 9-10). However, Piersol teaches cells containing single values and equations representing single values for which it would have been obvious to produce via single method objects (Figs 2 and 3). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge

gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single display buffer associated with the spreadsheet grid for display under the spreadsheet grid and object content being hidden from a user before being selected, pg 11) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues Levoy does not teach selectively displaying the contents of a cell (pg 11). However, Levoy does teach the display of a larger version of an object, this display appearing upon selection by a user (Fig 4 and col 1, par. 3). The Applicant argues the inherency of the display of a single image (pg 12). Yet the claim language does not explicitly preclude the existence of multiple display buffers within the spreadsheet.

Applicant argues Smith does not teach a partially transparent grid (pg 12-14). However, Smith does teach a semi-transparent grid (col 8, ln 1-20). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a transparent grid that is always visible and whose transparency is independent of cursor position) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument on pgs 13-14 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Piersol teaches a spreadsheet that intends to Piersol's handle a very diverse range of data types and a broad range of operations. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Piersol with Levoy since Levoy teaches a spreadsheet that intends to improve the processing of graphical data types and operations, thereby providing Piersol with a means of handling a diverse range of graphical data types and operations. Smith teaches an invention for improving the management of the elements in a graphical user interface. Since both Piersol and Levoy utilize potentially complicated and confusing GUIs, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith with Piersol and Levoy in order to obtain the advantages taught by Smith of implementing a more user-friendly GUI system. Since the Applicant's arguments of the prior art's teachings have been overcome as per above, the rejection has been maintained.

14. Applicant further argues independent claims 2 and 3 on pgs 14-32 in a similar fashion as claim 1. Please reference the Office's argument of claim 1 above with regard to claim 1 and 2.

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15. Regarding claim 4, Applicant argues Smith does not teach adjustable transparency (pg 32). However, Applicant admits that Smith teaches toggles between different configurations, each having a different level of transparency (pg 32, para 2).

16. Regarding claim 5, Applicant argues a Smith does not sufficiently evidence the use of a game controller (pg 33-34). The office invites Applicant to provide evidence or teachings that a game controller has more degrees of freedom than other common input devices. The Office maintains that Smith teaches input options that, when combined with the knowledge of one of ordinary skill in the art at the time of the invention, would have enabled the use of a game controller in the invention disclosed by Piersol, Levoy, and Smith.

17. Regarding claim 6, Applicant cites the previous argument concerning the lack of motivation to combine the cited prior art (pg 34-35). The Office maintains the motivation to combine the prior art as previously discussed, further obviating the use of a keyboard and mouse.

18. Regarding claim 7, Applicant argues Smith does not show a superposition of an object (pg 35). Office maintains the rejection as referenced above, wherein Smith teaches the display of a superposition of an object image with a display of a graphical analysis.

19. Regarding claim 8, Applicant argues Excel does not sufficiently teach implementing a histogram analysis (pg 35-36). However, the Office maintains that when Excel is combined with the teachings of the other cited prior art, especially the graphical analysis taught by Smith, and

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the knowledge of one of ordinary skill in the art at the time of the invention that the claimed limitation is obviated. Applicant argues the motivation to combine Excel with the previously cited art. However, when the knowledge of one of ordinary skill in the art at the time of the invention is taken into consideration, it is noted that histograms were a known and typical means for analyzing data in a spreadsheet.

20. Prior art made of record and not relied upon is considered pertinent to disclosure.

US-5,933,830
US-6,195,092

To: Williams, Neal Wesley
To: Dhond et al.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D Stone whose telephone number is (703) 305-7854.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications. Responses to this action may be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive
Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JDS
August 4, 2003


STEPHEN S. HONG
PRIMARY EXAMINER